

[Doc. No. 96]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JERI RIZZO,

Plaintiff,

v.

DEMARCO REI, INC., et al.,

Defendant.

Civil No. 09-1453 (RMB/JS)

O R D E R

This matter is before the Court on "Plaintiff's Motion for Leave to Amend Complaint" [Doc. No. 96]; and plaintiff seeking leave to file her Third Amended Complaint; and no opposition to the motion being filed; and the Court noting that plaintiff filed her Complaint on March 27, 2009 [Doc. No. 1], her First Amended Complaint on July 28, 2009 [Doc. No. 25], and her Second Amended Complaint on May 3, 2010 [Doc. No. 57]; and plaintiff seeking leave to (1) add Kristin A. Miller, Donna L. Feltman, William Powers, Jr. and Marty Bronfman as party defendants, (2) drop all claims against Garden State Land Title, LLC, (3) add additional factual allegations, (4) add certain new claims, and (5) drop claims presently asserted in plaintiff's Second Amended Complaint; and the Court having conducted oral argument on June 6, 2011, via telephone conference call in which counsel for all currently represented defendants, as well as counsel for proposed defendant,

William Powers, Jr., participated; and no counsel objecting to plaintiff's motion without prejudice to their right to assert all appropriate objections to plaintiff's Third Amended Complaint; and plaintiff confirming during the June 6, 2011 conference call that plaintiff is dismissing all claims against Garden State Land Title, LLC; and the Court noting that leave to amend a pleading should be freely given in the absence of undue or unexplained delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowing the amendment, or futility of amendment (Foman v. Davis, 371 U.S. 178, 182 (1962); Long v. Wilson, 393 F.3d 390, 400 (3d Cir. 2004)); and good cause existing for the entry of this Order,

IT IS HEREBY ORDERED this 7th day of June, 2011, that plaintiff's Motion to Amend is GRANTED and plaintiff shall file the Third Amended Complaint attached to her motion by June 14, 2011, and serve the Third Amended Complaint in accordance with the applicable Federal Rules of Civil Procedure; and

IT IS FURTHER ORDERED that the present defendants in the case shall respond to plaintiff's Third Amended Complaint by June 28, 2011. The new defendants shall respond in accordance with the applicable Federal Rules of Civil Procedure; and

IT IS FURTHER ORDERED that this Order is entered without prejudice to the right of all parties to assert all appropriate objections to plaintiff's Third Amended Complaint; and

IT IS FURTHER ORDERED that any party seeking to stay the case pending the mediation of the claims in the related case pending in the Eastern District of Pennsylvania shall file a formal Motion to Stay.

s/Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge